REMARKS

Entry of this amendment, and reconsideration of this application, as amended, are respectfully requested.

The Examiner correctly notes that Applicants have initiated a change in the inventorship of this application. Applicants will do so in an appropriate manner by e.g., filing further suitable and required documents as appropriate.

New claim 131 generally corresponds to now canceled claim 114, which was only objected to in the prior office action. Thus, it is believed that claim 131 is allowable.

Claim 133 roughly correlates with canceled claim 119.

Claims 114-119 and 122-123 were provisionally rejected on the grounds of non-statutory obviousness-type double patenting over at least claim 187 of USSN 11/332,774. Claims 114-119 and 122-123 have all been canceled. With respect to any presently pending claims, applicants respectfully request that the present application be allowed so that any issue of double patenting can be addressed in the '774 application, which is a continuation-in-part (CIP) of the present application, as appropriate, should it be necessary to do so.

Claims 115 and 123-130 were rejected under 35 U.S.C. §112, first paragraph. Applicants respectfully traverse.

The Examiner is correct that claim 115 is not an original claim, however, it is believed that Applicants may still pursue such subject matter in this or corresponding applications. Note that claim 139 is similar to now canceled claim 115 but includes a pharmaceutically acceptable buffer. Support for this claim is believed to be found on Example 23 and Table 1, last row.

The Examiner also alleges that claims 123-130 were not original claims; however, the Examiner's attention is drawn to the fact that those claims correspond to original claims 102 to 111. Furthermore, these claims were included in Group V of the restriction requirement that

issued October 24, 2006, but these claims were canceled. The subject matter of these claims should be prosecuted so the subject matter has been reintroduced in claims 133 and its dependents. Since canceled claims 123-130 were not rejected under 35 U.S.C. §103(a), and since the 35 U.S.C. §112, first paragraph, paragraph rejection does not apply, it is believed that these claims should be allowable.

It is believed that support for claims 140 and 141 is found, e.g., in Example 23 (see especially lines 11-17 and Table 1).

The 35 U.S.C. §112, first paragraph, rejection of claims 116-122 are believed to be rendered moot since these claims have been canceled.

It is also believed that the 35 U.S.C. §112, second paragraph, rejection of claims 116-130 has been rendered moot since the rejected claims have been cancelled, and it is also believed that the rejection does not apply to the presently pending claims.

The 35 U.S.C. §102(b) rejection of claims 116-118 and 120-122 has been rendered moot by cancellation of those claims.

Finally, the Examiner's attention is also drawn to the fact that a continuation application has been filed and has been assigned U.S. Serial No. 12/120,954 on May 15, 2008.

In view of the foregoing, allowance is respectfully requested.

The Commissioner is authorized to charge any required extension fee and any additional fees due to deposit account no. 50-0624.

Respectfully submitted,

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